

with Murray Energy. It mentions a private meeting with Southern Company, and it mentions a private meeting with American Fuel Petrochemical Manufacturers, which represents a lot of these characters. Murray Energy, of course, is right there. Southern Company is right there, and the American Fuel Petrochemical Manufacturers organization, I am sure, represents the others.

This confidential meeting agenda is all we have about what took place in those private meetings. I asked Mr. Pruitt in our hearings about the content of these private meetings, and he wouldn't answer any questions. He doesn't want us to know what was discussed there with the big fossil fuel polluters—companies whose pollution he will oversee as EPA Administrator.

Pruitt was also a chairman of the Rule of Law Defense Fund. The so-called Rule of Law Defense Fund is a dark money political operation that launders the identity of donors giving money to the Republican Attorneys General Association. As the New York Times said, the fund is a "legal entity that allows companies benefiting from the actions of Mr. Pruitt and other Republican attorneys general to make anonymous donations, in unlimited amounts." It is a complete black hole of political cash.

In the hearing, Pruitt refused to shine any light into the dark money he solicited or received from these fossil fuel polluters or others for the Rule of Law Defense Fund—not whom he asked for money, not who gave money, not what they gave, nothing. This is an organization that appears to have a million-dollar-a-year budget so someone was busy raising a lot of money. How much exactly, from whom, and what was the deal? Scott Pruitt doesn't want our committee or this Senate or the American people to know.

Colleagues and I sent letters to the Office of Government Ethics and to the Environmental Protection Agency's top ethics official. Their responses indicate that their ethics rules predate Citizens United and its torrent of dark political money. Their regulatory authority on government ethics has not caught up with the post-Citizens United dark money world. Since their ethics authorities have not been updated for these dark money conflicts, if Pruitt doesn't disclose any of this information before the Senate, no one will know, and even those government ethics watchdogs may end up blind to conflicts of interest.

That doesn't mean there isn't a conflict of interest here. What it means is it is a hidden conflict of interest. That makes it our duty in the Senate to examine those relationships, except for the fact that the fossil fuel industry now, more or less, runs the Republican Party, so there is a scrupulous lack of interest in this fossil fuel industry dark money.

How badly does Mr. Pruitt want to hide his dealings with his fossil fuel pa-

trons? An Open Records Act request was filed with the Oklahoma attorney general's office—Mr. Pruitt's office—for emails with energy firms, fossil fuel trade groups, and their political arms, with companies like Devon Energy, Murray Energy, and Koch Industries, and the American Petroleum Institute, which is the industry's trade association.

Let me share three facts about this Open Records Act inquiry: No. 1, the Open Records Act request was filed more than 745 days ago—over 2 years, 2 years. No. 2, Pruitt's office has admitted that there are at least 3,000 responsive documents to that Open Records Act request. Consider that fact alone for a moment. There were 3,000 emails and other documents between his office and these fossil fuel companies and front groups—3,000. No. 3, zero, exactly zero of those documents have been produced—745 days, 3,000 documents, zero produced.

Think how smelly those 3,000 emails must be when he would rather have this flagrant Open Records Act compliance failure than have any of those 3,000 emails see the light of day. Given the important financial interests of these groups before the EPA, do we really not think that 3,000 emails back and forth between him and his office and those groups might be relevant to his conflicts of interest as Administrator? Until very recently, Republicans had a keen interest in emails. Chairman BARRASSO asked that important question: "Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?" Scott Pruitt answered: "No."

On this record, there is every reason to believe that his statement is false. Might having raised significant dark money from the industry that he would regulate create a conflict of interest? Let's say that he made a call to Devon Energy and said: I slapped your letter on my letterhead and turned it in as if it were the official work of the Oklahoma attorney general's office. Now I need a million bucks. And you can give it to the Rule of Law Defense Fund as dark money, without anyone knowing that it was you.

Might such a quid pro quo create a conflict of interest in his ability to carry out the duties of EPA Administrator in matters affecting Devon Energy? It is impossible to say that it would not be a conflict of interest.

Let's say that at those confidential private meetings with Murray Energy and Southern Company, something went on. Might something that takes place in private meetings with Big Energy interests that he is going to have to regulate create a possible conflict of interest? They paid to be there. They wanted something. Might that not give rise to a conflict of interest?

And who knows what conflicts of interest would be divulged if his office were not sitting on 3,000 undisclosed emails with fossil fuel industries that

he will be regulating as EPA Administrator?

I challenge anyone to come to this Senate floor and tell me with a straight face that there is nothing that those emails could reveal that might create a conflict of interest for the man discharged with regulating the companies on the other end of those emails. "No" just doesn't cut it as an answer from Mr. Pruitt when there is still so much that he is hiding.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PETERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

#### NOMINATION OF BETSY DEVOS

Mr. PETERS. Madam President, I rise today to speak on the nomination of Betsy DeVos for Secretary of Education.

Public education is deeply personal for me. I am proud to have attended Michigan public schools, and I have three children who did so as well. I know firsthand the importance of a strong public education system. My father Herb was a proud teacher and taught English for 32 years in Rochester, MI, where I grew up.

My father was part of the "greatest generation." He fought for our country in World War II and returned home to help build America's middle class. Our Nation owes these men and women a debt of gratitude for building a country where anyone who is willing to work hard and play by the rules can find opportunity.

But too many families today feel that the American dream remains just out of reach. It seems that they can hardly get by, much less get ahead. At a time of growing income inequality, public schools can and do provide a ladder of opportunity in communities across the Nation—urban, rural, and suburban alike. Strong public schools are vital to our economy, our democracy, and to our Nation's global competitiveness.

I think we can all agree that a child's chance to succeed should not be dictated by his or her ZIP Code. While many crucial education decisions are made at the State and at the local levels, the Federal Government also has a role to play in providing the necessary educational tools and proper protections for all of our children to flourish.

We need a Secretary of Education who is dedicated to improving access to quality public education based on sound evidence and ensuring the proper implementation of Federal laws designed to protect and to help all of our children. That is why I am deeply troubled by President Trump's nomination

of Betsy DeVos of Michigan to serve as the Secretary of Education.

Mrs. DeVos, like so many recent graduates, is effectively applying for a job. And like any employer, the American people should look at her resume, her interview, and her past performance.

Mrs. DeVos's resume contains no experience in public education at any level—not as a teacher, not as an administrator, not as a student or a parent, not as a school board member, and not even as a borrower of public loans for college.

Her only experience in education is her work lobbying for the transfer of taxpayer money to private schools and the rapid expansion of charter schools without sufficient accountability to parents and to students.

So let's look at her interview. Her appearance before the Senate HELP Committee last week raised many more questions and did not provide answers. During her confirmation hearing, Mrs. DeVos showed herself to be unfamiliar with some basic educational concepts, like the debate over whether we should measure students' success by growth or proficiency. If Mrs. DeVos doesn't know how to measure success, how can she ever be expected to achieve success in our schools?

Mrs. DeVos also appeared to have never heard of the Individuals with Disabilities Education Act, one of the most important pieces of education and civil rights legislation in our country's history. This law has provided access to education for children with unique needs and supports their parents, who depend on the law that Mrs. DeVos will be in charge of enforcing, if confirmed. And it appeared as if this was the first time that she had ever heard of this law, just last week.

So finally, let's take a look at her past performance. I am particularly troubled by Mrs. DeVos's long-time advocacy to funnel Michigan taxpayer dollars to private and charter school systems that are not held accountable for their performance.

Let me be clear. Our education system is far from perfect, and I support effective, innovative educational reforms that lift up our children. But these reforms need to be driven by facts and not ideology.

Unfortunately, in my home State of Michigan, the charter school experiment has not lived up to the promises made. In fact, 65 percent of charter schools in Michigan fail—yes, fail—to significantly outperform traditional public schools in reading outcomes. In Detroit, 70 percent of charter schools are in the bottom quartile of Michigan's schools. These are certainly not the results that we would want to replicate at the national level.

Despite these outcomes, Mrs. DeVos stated during her confirmation hearing that she did not think that public charter schools should be held to the same standards as traditional public schools.

Well, that simply doesn't make sense. It doesn't make sense that many

charter schools accepting taxpayer money not only performed worse than traditional public schools in terms of academic success but also get to skirt laws that protect against discrimination and support disabled youth. We should hold all schools receiving Federal dollars to the same level of accountability.

I have reviewed her resume, her interview, and her track record, and I have no confidence that Mrs. DeVos will fully support our traditional public schools, our teachers, our parents, and, most importantly, our children, who only get one shot. They just get one shot to get an excellent K-12 education.

Her approach to education has failed the children of Michigan, and her confirmation process gives me no reason to think that she will bring a more successful approach to our Nation.

American children deserve the opportunity for a quality education no matter who they are and no matter where they live. I stand with the many educators and parents in Michigan and across the Nation when I say: Mrs. DeVos lacks the experience, qualifications, and the right vision to oversee our Nation's educational system. Simply put, our children deserve a whole lot better.

I cannot and will not support Betsy DeVos's nomination to serve as the Secretary of Education, and I hope my colleagues will join me in unity against her nomination.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

#### COMMERCE COMMITTEE AGENDA AND NEW INFORMATION TECHNOLOGIES

Mr. THUNE. Mr. President, it is hard to believe, but the Internet as we know it is already in its third decade. While it is no longer novel, this essential technology continues to transform the world around us in often very unexpected ways. Just a few short years ago, the idea of the Internet being built into farm equipment would have been unthinkable. Yet, today, wireless Internet in tractors and combines is making agriculture more and more efficient. This is just one small example of how new information technologies have become a fundamental part of our economy. There isn't a job creator in America who doesn't have a story to tell about how or when he or she realized the Internet had become a critical part of his or her business.

But while the digital economy is creating massive opportunities, our Na-

tion's laws are not keeping pace. Over the past several years, Netflix and Amazon have completely disrupted the video world. The iPhone, which redefined personal computing and connectivity, just celebrated its 10th anniversary. Yet most of the government policies dealing with video, wireless, and Internet platforms were written for a world where none of these things existed. It is a testament to the ingenuity of American businesses and entrepreneurs that they have been able to adapt and succeed with laws that are increasingly out of date. While I don't doubt that they will continue to work around these challenges, American companies and consumers deserve better.

It is past time to modernize our communication laws to facilitate the growth of the Internet, and it is high time to update government policies to better reflect the innovations made possible by digital technologies. As the chairman of the Senate Commerce Committee, I have committed to modernizing government policies for the digital age, and that will be one of our top priorities in the Commerce Committee this year.

One way the government can boost investment in our digital infrastructure is by finding ways to make it cheaper and easier to build broadband networks. At the Commerce Committee, I introduced legislation called the MOBILE NOW Act to ensure that huge swaths of wireless spectrum are made available for use by the year 2020. By then, we hope to see the next generation of ultra-high speed services known as 5G, which will need more spectrum than is available today. The MOBILE NOW Act will also cut through much of the bureaucratic red tape that makes it difficult to build wireless infrastructure on Federal property.

I am happy to report that the Commerce Committee passed the MOBILE NOW Act earlier today, but this legislation is just the start. The Commerce Committee will continue to develop legislative proposals to spur broadband deployment, make more spectrum available for the public, and improve connectivity throughout rural America.

Good Internet infrastructure policies and investments matter very little, however, if government bureaucrats can overregulate the digital world. The Federal Communications Commission has long been the main government regulator for telecommunications. As we have turned away from traditional telecom services and toward new technologies, the FCC has found its role gradually diminishing. This is inevitable and a good byproduct of technological innovation. But instead of accepting this, over the last several years the FCC has aggressively pushed for government interference in the Internet. Speaking about new economic opportunities on the Internet, the last FCC Chairman declared: "Government